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PTO/SB/21 (04-07)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

11

Application Number 10/750,626

Filing Date 12/18/2003

First Named Inventor Joanna Ptasinski et al.

Art Unit 2872

Examiner Name Euncha P. Cherry

Attorney Docket Number 84930

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks
Exhibit A: Part-B Fees Transmittal dtd 4/3/07 (2 cys)
Exhibit B: Copy of returned postcard & addressed envelope (2 pgs)
Exhibit C: Declaration of Vandy Lehman w/certificate of mailing (2 pgs)
Return Postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	OFFICE OF PATENT COUNSEL - SPAWARSSYSCEN SAN DIEGO		
Signature			
Printed name	PETER A. LIPOVSKY		
Date	18 MAY 2007	Reg. No.	32,580

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	VANDY L. LEHMAN	Date	5/18/07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Serial No. 10/750,626; Navy Case No. 84930

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



on 18 May 2007
Date
by Vandy Lehman
Signature of Depositor
Vandy L. Lehman
Typed or printed name of Depositor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
PTASINSKI, JOANNA et al

Examiner: Cherry, Euncha P.
Group Art Unit: 2872

Serial No.: 10/750,626

Filed: 18 DEC 2003

For: CORNER CUBE CHEMICAL-BIOLOGICAL AGENT SENSOR

**PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181
(REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT)**

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request to withdraw a holding of Applicants' application as abandoned on the basis that the application was in fact not abandoned. The grounds for this request are provided herein.

STATEMENT OF FACTS:

Applicants received a Notice of Allowance (NOA) dated 9 January 2007 corresponding to the above-indicated patent application and for which a period of response of three months had been set, thereby providing a due-date of 9 April 2007.

On 3 April 2007, a complete response to the NOA was provided to the U.S. Patent Office via U.S. Mail, certificate of mailing. Exhibit A is a copy of this response, in this instance two copies of the form (PTOL-85) identified as: "Part B - Issue Fee Transmittal." A return receipt post card was also sent accompanying this response, a copy of which is furnished herein as Exhibit B.

Exhibit A contains a Certificate of Mailing that is signed by Ms. Vandy Lehman and dated 3 April 2007 as the date of deposit of this document with the United States Postal Service. Exhibit C is a declaration signed by Ms. Lehman wherein she states that on 3 April 2007 she personally signed and dated the Certificate of Mailing found on Exhibit A. Ms. Lehman states that by virtue of her signing and dating the Certificate of Mailing on 3 April 2007, it was her belief that the correspondence in issue would be deposited with the United States Postal Service that day.

Ms. Lehman's belief is based upon a previously agreed-to arrangement with the mail room at Ms. Lehman's employment. This agreement provided that if Ms. Lehman provided correspondence to a visiting mail room person that day, then mail room personnel would see to it that that correspondence would be deposited with the United States Postal Service for mailing that day. Ms. Lehman states that the arrangement with her employer's mail room had been in place for a long time prior to the mailing in issue and that based upon her experience with the agreed-to mailing arrangement, she had the reasonable expectation that the mailing in issue would be

Serial No. 10/750,626; Navy Case No. 84930

deposited with the United States Postal Service that day.

Title 37 Code of Federal Regulations Section 1.8 titled "Certificate of Mailing or Transmission" provides, in part, in subpart (b) thereof that:

... correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate;

and

- (3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission.

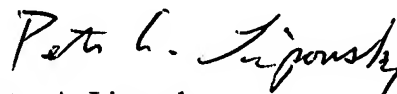
POINT OR POINTS TO BE REVIEWED:

Does the evidence presented by Applicants compel a finding of a timely response and thus support a withdrawal of the holding of abandonment?

ACTION REQUESTED:

The Commissioner is hereby respectfully asked to withdraw the holding of abandonment based upon the Applicants successfully meeting all of the requirements of 37 CFR 1.8(b). It is requested that the above-described application be found to have not, in fact, become abandoned.

Respectfully submitted,



Peter A. Lipovsky
Attorney for Petitioners
Registration Number 32580

Serial No. 10/750,626; Navy Case No. 84930

17 May 2007
Office of Legal Counsel for Patents 20012
Attention: Mr. Peter A. Lipovsky
SPAWARSYSCEN, SAN DIEGO
53510 Silvergate Ave Rm 103
San Diego, CA 92152-5765
(619) 553-3824

file\p:\patent\pal.pat\nc\84930\84930pet.wpd

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

32697 7590 01/09/2007

OFFICE OF PATENT COUNSEL
 SPAWARSYCEN, CODE 20012
 53510 SILVERGATE AVE. ROOM 103
 SAN DIEGO, CA 92152-5765



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmittal

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

VANDY L. LEHMAN	(Depositor's name)
<i>Vandy L. Lehman</i>	(Signature)
4/13/07	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,626	12/18/2003	Joanna Ptasinski	84930	9900

TITLE OF INVENTION: CORNER CUBE CHEMICAL-BIOLOGICAL AGENT SENSOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$0	\$1400	04/09/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHERRY, EUNCHA P	2872	359-529000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 PETER A. LIPOVSKY

2 MICHAEL A. KAGAN

3 ALLAN Y. LEE

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

United States of America as represented
 by the Secretary of the Navy

Washington, D.C.

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☒ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-0847 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Peter A. Lipovsky

Date

3 APR 2007

Typed or printed name

PETER A. LIPOVSKY

Registration No.

32,580

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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32697 7590 01/09/2007

OFFICE OF PATENT COUNSEL
 SPAWARSYCEN, CODE 20012
 53510 SILVERGATE AVE. ROOM 103
 SAN DIEGO, CA 92152-5765

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VANDY L. LEHMAN	(Depositor's name)
<i>Vandy L. Lehman</i>	(Signature)
4/13/07	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 PETER A. LIPOVSKY
- 2 MICHAEL A. KAGAN
- 3 ALLAN Y. LEE

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(B) RESIDENCE: (CITY and STATE OR COUNTRY)

United States of America as represented
 by the Secretary of the Navy

Washington, D.C.

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☒ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
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NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Peter A. Lipovsky

Date

3 APR 2007

Typed or printed name

PETER A. LIPOVSKY

Registration No.

32,580

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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DEPARTMENT OF THE NAVY

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MIEGO, CA 92152-5001

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COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

NAVY CASE NO. 84930
SERIAL NO. 10/750,626
APPLICANT Joanna Ptasinski, et al.

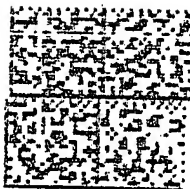
Receipt of the following application papers is evidenced hereon by official stamp of the
U. S. Patent and Trademark Office:

Part B-Issue Fee Transmittal (PTOL-85) (2 copies)
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PAL VLL NC#84930 4/3/07

DEPARTMENT OF THE NAVY

OFFICIAL BUSINESS



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COMMANDING OFFICER
OFFICE OF PATENT COUNSEL D0012
SPAWARSSYSCEN SAN DIEGO
53510 SILVERGATE AVENUE ROOM 103
SAN DIEGO CA 92152-5765

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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on 18 May 2007
Date
by Vandy Lehman
Signature of Depositor
Vandy L. Lehman
Typed or printed name of Depositor

In re application of:
PTASINSKI, JOANNA et al
Serial No.: 10/750,626
Filed: 18 DEC 2003
For: CORNER CUBE CHEMICAL-BIOLOGICAL AGENT SENSOR

Examiner: Cherry, Euncha P.
Group Art Unit: 2872

DECLARATION OF VANDY LEHMAN

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I Vandy Lehman declare:

1) Regarding the Notice of Allowance (NOA) of 9 January 2007 corresponding to the above-referenced U.S. Patent Application and due no later than 9 April 2007, I personally signed and dated a Certificate of Mailing on the response to the NOA, the particulars of which are described below.

2) On 3 April 2007, I personally signed a Certificate of Mailing, dated 3 April 2007, printed directly upon form PTOL-85 titled "PART B - FEE(S) TRANSMITTAL" (hereafter "Response"). This Response, identified as Exhibit A attached hereto, as well as a Return Post Card, identified as Exhibit B attached hereto, were placed in an envelope by me addressed to Box Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 (hereafter

"correspondence").

3) The correspondence was then placed by me into our office mail out-box and it was picked up that day by one of our mail room personnel for delivery to the United States Postal Service that day. Our office has an arrangement with our mail room wherein mail that we make available for pick up that day by mail room personnel will be delivered to the United States Post Office that day. This agreement has been in place for some time and I have confidence that this mailing process is reliable. On the day in question, I had no reason to believe that the mail in issue would not be delivered that day to the United States Postal Service.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

17 May 2007

DATE

Vandy Lehman

VANDY LEHMAN

17 May 2007
Office of Legal Counsel for Patents 20012
Attention: Mr. Peter A. Lipovsky
SPAWARSYSCEN, SAN DIEGO
53510 Silvergate Ave Rm 103
San Diego, CA 92152-5765
(619) 553-3824

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